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Facsimile Cover Sheet

P-8999.00

To: Examiner Oropeza
Company: U.S. Patent and Trademark Office
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From: Paul H. McDowell 
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Date: July 8, 2004**Pages including this
cover page:** 18

Comments: RE: P-8999.00
Serial No. 09/825,909
Applicants: Thompson et al.
Filed: April 4, 2001
Title: Implantable Medical Device Controlled by a Non-invasive
Physiological Data Measurement Device

Attached please find the following documents:

 Amendment Transmittal DECLARATIONS (3) 2 page exhibit 1 page from refIF TELECOPY IS ILLEGIBLE OR ALL PAGES HAVE NOT BEEN RECEIVED, PLEASE CONTACT MOLLY
CHLEBECK AT TELEPHONE (763) 514-3118 IMMEDIATELY.

055,724,025

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DOCKET NO.: P-8999.00

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
AMENDMENT TRANSMITTAL

In re Application of: David L. Thompson et al.

For: IMPLANTABLE MEDICAL DEVICE CONTROLLED BY A NON-INVASIVE PHYSIOLOGICAL DATA MEASUREMENT DEVICE

Serial No.: 09/825,909

Filed: April 4, 2001

CERTIFICATE UNDER 37 CFR §1.8 I hereby certify that this Amendment and Transmittal and the paper(s), as described herein are being sent to teletacsimile No. (703) 872 9306, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8th day of July, 2004.

Molly Chilebeck
Signature
MOLLY CHILEBECK
Printed Name

Mail Stop NON-FEE AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

 AMENDMENT

- Applicant hereby petitions for one-months' extension of time. If an additional extension of time is required, please consider this petition therefor.
- Please charge Deposit Account No. 13-2546 in the amount of \$_____ for the _____ fee.
- Please charge any additional fees or credits to Deposit Account No. 13-2546 which may have been overlooked on this Amendment Transmittal with regard to this filing. A duplicate of this transmittal is enclosed.
- Applicant believes that no extension of time is required. However, if an extension of time is required, please consider this a petition therefor to provide for the possibility that applicant has inadvertently overlooked the need for an extension of time.

Date

7 July 04

Paul H. McDowell
Paul H. McDowell, Reg. No. 34,873
Telephone: (703) 514-3351
No. 27,581

OFFICIAL**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED**

Applicants:	David L. Thompson et al.	Docket:	P-8999.00CENTRAL FAX CENTER
Serial No.:	09/825,909	Group Art Unit:	3762
Filed:	April 4, 2001	Examiner:	Frances P. Oropeza
Title:	IMPLANTABLE MEDICAL DEVICE CONTROLLED BY A NON-INVASIVE PHYSIOLOGICAL DATA MEASUREMENT DEVICE		

JUL 08 2004

REPLY TO FINAL OFFICE ACTION

Mail Stop Non-Fee Amendment
Commissioner for Patents
Alexandria, VA 22313-1450

Dear Examiner Oropeza:

The following is in response to the final Office Action mailed 8 April 2004 and having a three-month statutory period for reply. The following amendments and remarks are respectfully submitted in advance of the expiration of said three-month period.

Applicants respectfully request that the Examiner withdraw the finality of the present Office Action since only minor claim amendments when Applicants filed a request for continued examination (RCE) – which traversed the prior grounds of rejection – should provide cause for Applicants to receive reasonably complete examination of the amended claim set.

Accordingly, the amendments herein were not earlier presented because a new ground of rejection has been lodged. The amendments herein are intended to place the application in condition for allowance, without requiring additional search and without raising new issues.

Please amend the above-identified application as follows.